

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a  
Delaware Corporation; JEHANE  
NOUJAIME, an individual; KARIM AMER,  
an individual; THE OTHRS, LLC, a Florida  
limited liability company; THE OTHRS  
LICENSING CORP., a Florida corporation;  
THE SQUARE, LLC, a New York limited  
liability company; ISABELLA  
CONSTANTINO, an individual; JOHN  
DOES 1–10,

Defendants.

Case No. 4:23-cv-1611 (SEP)

**DEFENDANTS’ MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF**

Defendants Home Box Office, Inc. (“HBO,” incorrectly sued as “HBO Home Entertainment Corp.”); The Othrs, LLC; The Othrs Licensing Corp.; The Square, LLC; Jehane Noujaim (incorrectly sued as “Jehane Noujaime”); and Karim Amir (collectively, “Defendants”), by and through undersigned counsel, move pursuant to E.D. Mo. Loc. R. 4.01(B) for leave to file an overlength memorandum in support of their forthcoming motion to dismiss. In support of their motion, Defendants respectfully state:

1. Plaintiff’s Complaint alleges two counts against Defendants under Missouri and New York law. (ECF No. 1-1 at 1–14, ¶¶ 53–64.)
2. Plaintiff attached to his Complaint a “Consent and Release” that is relevant to the underlying claims in this case. (*Id.* at 16–17.)
3. The Consent and Release contains a venue selection provision. (*Id.*)

4. Defendants intend to file a joint, omnibus motion to dismiss that raises alternative jurisdictional, venue-based, and merits arguments.
5. In order to explain adequately the grounds for the alternative bases for relief presented in this motion, Defendants anticipate that the memorandum in support of their motion will need to exceed the fifteen (15) pages permitted by this Court's local rules.
6. Defendants submit that they will not need more than twenty-five (25) pages, exclusive of those portions of a memorandum not normally counted toward the page limit under the local rules, to present their arguments adequately.

WHEREFORE, Defendants pray that this Court enter an order granting them leave to file a memorandum in support of a motion to dismiss of up to twenty-five (25) pages because good cause has been shown therefor, and for such other and further relief that the Court deems just and proper.

Respectfully submitted,

Dated: December 19, 2023

By: /s/Joseph E. Martineau

Joseph E. Martineau, #32397MO

Kolten C. Ellis, #74451MO

**LEWIS RICE LLC**

600 Washington Avenue, Suite 2500

St. Louis, Missouri 63101

Telephone: (314) 444-7600

Facsimile: (314) 612-2042

[jmartineau@lewisrice.com](mailto:jmartineau@lewisrice.com)

[kellis@lewisrice.com](mailto:kellis@lewisrice.com)

*Attorneys Attorneys for Home Box Office, Inc.,  
The Othrs, LLC, The Othrs Licensing Corp.,  
The Square, LLC, Karim Amer, and Jehane  
Noujaim.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of December, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all counsel of record via the Court's electronic filing system. I further certify that a true and accurate copy of the foregoing was delivered via electronic mail to the following party, who has consented in writing to service by such means pursuant to Fed. R. Civ. P. 5(b)(2)(F):

Marc Elliot  
5655 Pershing Ave, Apt. 529  
St. Louis, MO 63112  
Telephone: (314) 252-0579  
[marc@marcelliot.com](mailto:marc@marcelliot.com)

*Plaintiff, pro se*

/s/ Joseph E. Martineau